

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**JERRY LYNN MEYER**

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**CRIMINAL NO. 6:03-CR-81-001**

**REPORT & RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On August 23, 2006, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant, Jerry Lynn Meyer. The government was represented by Mary Ann Cozby, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Wes Hill.

Defendant originally pleaded guilty to Possession of Stolen Mail, in violation of 18 U.S.C. § 1708, a Class D felony. The offense carried a statutory maximum imprisonment term of five years. The United States Sentencing Guideline range, based on a total offense level of 10 and a criminal history category of I, was 6 to 12 months. On July 18, 2001, U.S. District Judge William R. Wilson, Jr. of the Eastern District of Arkansas sentenced Defendant to four years probation. The term of probation was revoked on October 17, 2001, and Defendant was sentenced to 6 months imprisonment, followed by three years supervised release. On August 6, 2002, Defendant completed the term of imprisonment and began the term of supervised release.

On September 25, 2003, jurisdiction of this case was transferred to the Eastern District of Texas. The term of supervised release was revoked on January 6, 2004, and Defendant was sentenced to 6 months imprisonment, followed by 30 months supervised release. The current term of supervised release began on December 9, 2005.

Under the terms of supervised release, Defendant was prohibited, in relevant part, from committing another federal, state or local crime. In its petition, the government alleges that on February 16, 2006, Defendant was arrested by local authorities after being found in possession of stolen mail. On July 19, 2006, Defendant appeared in federal court and entered a plea of guilty to Possession of Stolen Mail Matter in case number 6:06-cr-39.

If the Court finds by a preponderance of the evidence that Defendant committed this violation of conditions of supervision, a statutory sentence of two years of imprisonment may be imposed; however, since the initial supervised release term has been revoked, the actual maximum imprisonment sentence available is 18 months. 18 U.S.C. § 3583(e)(3). Pursuant to Section 7B1.1(a) of the Sentencing Guidelines, violating a condition of supervision by committing the offense of Possession of Stolen Mail Matter, would constitute a Grade B violation, for which the Court may revoke Defendant's term of supervised release in favor of a term of imprisonment. U.S.S.G. § 7B3.1(a)(2). Considering Defendant's criminal history category of I, the Guideline imprisonment range for a Grade B violation is 4 to 10 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to the violations alleged in the government's petition. In exchange, the government agreed to recommend that Defendant serve 9 months in prison, consecutive to the sentence to be imposed in 6:06-cr-39, with no further supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court RECOMMENDS that Defendant, Jerry Lynn Meyer, be committed to the custody of the Bureau of Prisons for a term of imprisonment of 9 months, to be served consecutive to the sentence to be imposed by Judge Michael H. Schneider in 6:06-cr-39 for the offense of Possession of Stolen Mail

Matter, with no further supervised release to follow in this case. The parties have waived their right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Leonard Davis for adoption immediately upon issuance.

**So ORDERED and SIGNED this 24th day of August, 2006.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE